

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DANIEL LEMBERGER,

Plaintiff,

vs.

UNION PACIFIC RAILROAD
COMPANY,

Defendant.

8:18CV64

**ORDER DIRECTING THE
DISCLOSURE OF PROTECTED
HEALTH INFORMATION**

Having reviewed the Stipulation and Joint Motion of the Parties, the Court finds good cause and ORDERS as follows:

1. This is an action in which Daniel Lemberger (“Plaintiff”) alleges that workplace exposure to certain substances caused him to develop cancer. The Court finds that because Plaintiff’s physical condition is at issue, Plaintiff’s past, present and future medical condition is relevant to the claims and defenses in this action. The Plaintiff, in claiming damages for pain and suffering, has also put his mental health condition at issue as well.

2. The Parties and their attorneys are expressly authorized to request and receive by subpoena or release Plaintiff’s protected health information from all of his mental and medical health care providers and health insurance companies.

3. The protected health information the Parties may receive includes, but is not limited to, the following: Insurance records; patient charts, medical records, mental health records, submissions or reports to insurance companies,

letters or reports to attorneys, correspondence, reports, memoranda, notes, data, face sheets, prescription records, x rays, pathology reports, laboratory specimens, slides, radiology films and reports, billing records and invoices, and any other documents generated by any facility or received by any facility from all sources relating Plaintiff.

4. Any person or entity in possession of Plaintiff's protected health information is hereby ordered to produce such health information in response to subpoenas or releases issued by the attorneys representing the Plaintiff or the Defendant in this litigation.

Dated this 18th day of October, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge